EAST NEIGHBOR'S 1982 VARIANCE 1 STORY ADDITION (EXCEPTIONS WERE) CREATED IN 1998

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

RECEIVED
D.C. OFFICE OF ZONING
2009 JAN 24 PM 2:37

Application No. 13518, of Allen I. and Rona H. Mendelson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) and the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed one story addition to a dwelling which is a non-conforming structure in an R-1-B District at the premises 3310 Cathedral Avenue, N.W., (Square 2118, Lot 39).

HEARING DATES: July 15 and September 16, 1981
DECISION DATE: November 4, 1981

DISPOSITION: The Board GRANTED the application by a vote of 4-1 (Walter B. Lewis, Charles R. Norris and Connie Fortune to grant; William F. McIntosh to grant by proxy; Douglas J. Patton opposed).

FINAL DATE OF ORDER: March 16, 1982

ORDER

By letter dated June 16, 1982, the applicant requested clarification of the Board's decision in the subject application. The reason for this request was that a recent inspection of the construction on the subject property by the D.C. Surveyor's Office revealed that the 84.48 foot depth of the applicant's property does not extend to the center of the private alley located to the rear of the subject property as indicated in the original approval. The rear yard approved by the Board was measured from the rear wall of the addition to the center of the alley, with a depth of 25.8 feet. The applicant has now been made aware that he owns only approximately one foot of the alley. The rear yard will now measure 21.88 feet. A rear yard variance is therefore required in order for construction to continue. In all respects, the construction of the addition will be identical to that approved in the Board's prior Order.

The Board concludes that the material facts relied upon by the Board related to the variances from the side yard and open court requirements are unaffected by the change in measuring line revealed by the D.C. Surveyor's inspection. The size, shape and footprint of the addition are unaltered. The Board further concludes that its decision was based on the rear yard as measured from the rear of the addition to

BZA Case No. 16997 Exhibit No. 10

Board of Zoning Adjustment
District of Columbia
CASE NO. 16997
EXHIBIT NO. 10

the center line of the alley. The Board further concludes that the situation described by the applicant, when combined with the circumstances which supported the granting of the original variances, result in a situation in which a rear yard variance can be granted without substantially impairing the intent, purpose and integrity of the zone plan. The Board notes that there was no opposition to the granting of the rear yard variance from the owners of any of the immediately adjacent properties.

It is therefore ORDERED that the rear yard variance is APPROVED. In all other respects, the Order of the Board dated March 16, 1982 shall remain in full force and effect, and the construction approved in that order shall be permitted.

Decision Date: July 7, 1982

VOTE: 4-1 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Charles R. Norris to GRANT; Douglas J. Patton opposed to the Motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 31 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."